

To:

# City of Portland

# **Bureau of Development Services**

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630

www.portlandonline.com/bds

Date: September 19, 2008

Interested Person From: Abigail Fowle, Land Use Services

503-823-0624 / FowleA@ci.portland.or.us

# NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-153947 HDZ **NEW SOLAR PANELS ON HISTORIC KENTON FIREHOUSE** 

# GENERAL INFORMATION

Applicant: City Of Portland, Owner

> 1120 SW 5th Ave #1204 Portland, OR 97204

Tom Griffin-Valade, Owner

North Portland Office Of Neighborhood Involvement

2209 N Schofield Portland, OR 97217

**Site Address:** 8105 N BRANDON AVE

Legal Description: LOT 33-35 BLOCK 38, KENTON

Tax Account No.: R445914970 State ID No.: 1N1E09DB 07500

Quarter Section: 2228

Neighborhood: Kenton, contact Steve Rupert at 503-317-6573.

Kenton Business Association, contact Echo Leighton at 503-285-7234. **Business District: District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Plan District: None

Other Designations: Historic Landmark

R5a - High Density Single-Dwelling Residential 5,000 Zoning:

Case Type: HDZ - Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

#### Proposal:

The applicant seeks Historic Design Review approval for 45 new rooftop solar panels on the Historic Kenton Firehouse Building, designated as a local historic landmark. The proposed solar panels will be mounted on a metal racking system attached to the roof. The array will be arranged in five rows of panels running from east to west. Proposed photovoltaic roof panels will measure 65.3" x 32.8" x 1.81," set at a 12-degree pitch and mounted on racking that is the same height as the plane of the top of the parapet wall. The panels will not be visible from the SW, SE, and NE street views.

Exterior alterations to a historic building require Historic Design Review.

# Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

■ 33.846 Historic Reviews

■ Community Design Guidelines

#### **ANALYSIS**

**Site and Vicinity:** The 7,500-square-foot site is located in the Kenton Conservation District at the corner of North Brandon Avenue and North Schofield Street. The site is developed with the historic Kenton Firehouse, which was constructed in 1913. The Kenton Firehouse is a two-story brick structure that was designated as a Portland Historic Landmark in 1976. The firehouse was the first city-built station in North Portland and was used as a station until 1959. The firehouse has functioned as a community center since 1978. The surrounding vicinity consists largely of residential development. However, the Kenton Commercial Historic District is approximately one block to the east of the site, Kenton Park is one block north of the site and the Post Office is located across Brandon Avenue. Portland's *Transportation System Plan* classifies both North Brandon Avenue and Schofield Street as Local Service Bikeways and Walkways.

**Zoning:** The <u>Single-Dwelling Residential 5,000 (R5) zone</u> is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Newly created lots must have a minimum density of 1 lot per 5,000 square feet of site area.

The <u>Alternative Design Density (a) overlay zone</u> is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood.

The <u>Historic Resource Protection overlay zone</u> is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate that there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 25, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development Review;
- Site Development Section of the Bureau of Development Services; and
- Life Safety (Building Code) Section of the Bureau of Development Services, *see exhibit E.2 for additional details*.

The <u>Urban Forestry Division of Portland Parks & Recreation</u> responded with the following comment: "protect existing trees." *See exhibit E.1 for additional details.* 

**Neighborhood Review:** A "Notice of Proposal in Your Neighborhood" was mailed on **August 25, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

# Chapter 33.846, Historic Reviews

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

### Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. In addition, because the site is located within the Kenton Conservation District, the relevant approval criteria are the Community Design Guidelines.

#### **Community Design Guidelines:**

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality,** which establishes Portland's urban design framework; **(E) Pedestrian Emphasis,** which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design,** which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions. **P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2: The site is located within the Albina Communty Plan Area and more specifically the Kenton Neighborhood. The goals of the Albina Community Plan and the Kenton Neighborhood Plan include the desire to develop a positive, unique identity for the area by improving the physical appearance of the community and maintaining and enhancing its desirable characteristics. Additionally, the objectives include the wish to extend the use of Portland themes into the Albina Community, preserve existing historic structures, and ensure that new development is compatible with the historic character of the neighborhood. The Kenton Firehouse is an important part of Kenton's historic fabric. The new solar panels have been carefully located and mounted to the building rooftop and, based on sightline studies provided by the applicant, will not be visible from the surrounding streets. Therefore, these new elements will not impact the historic character of the district and instead will update

the structure's electrical system, ensuring its continued contribution to the community. *Therefore, these guidelines are met.* 

- **D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.
- **D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings for D6 and D8:** Careful attention has been paid to the placement of the new rooftop solar panels so as not to impact the architectural integrity or historic nature of the building. The panels will be placed on a metal racking system that sits completely behind the roof parapet. Only the solar panels will extend above the roofline by 7 inches maximum. As previously noted, based on sightline studies, the panels will not be visible from the SW, SE, and NE street views. In addition, both the solar panels and metal racking system consist of high-quality, durable materials and have an anti-reflective coating. Thus, the proposal respects and maintains the existing building's sense of quality and cohesive design composition. *Therefore, these guidelines are met.* 

#### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed alterations to the Historic Kenton Firehouse respect the style and character of the original structure and will contribute to the neighborhood. The proposal meets the applicable design guidelines and therefore warrants approval.

#### ADMINISTRATIVE DECISION

Approval of 45 new rooftop solar panels on the Historic Kenton Firehouse Building, per the approved plans, Exhibits C.1 through C.13, signed and dated September 17, 2008, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-153947 HDZ. No field changes allowed."

Decision rendered by:

on September 17, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: September 19, 2008

Staff Planner: Abigail Fowle

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on August 11, 2008, and was determined to be complete on August 21, 2008.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 11, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

#### Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 3, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal

to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after October 6, 2008 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

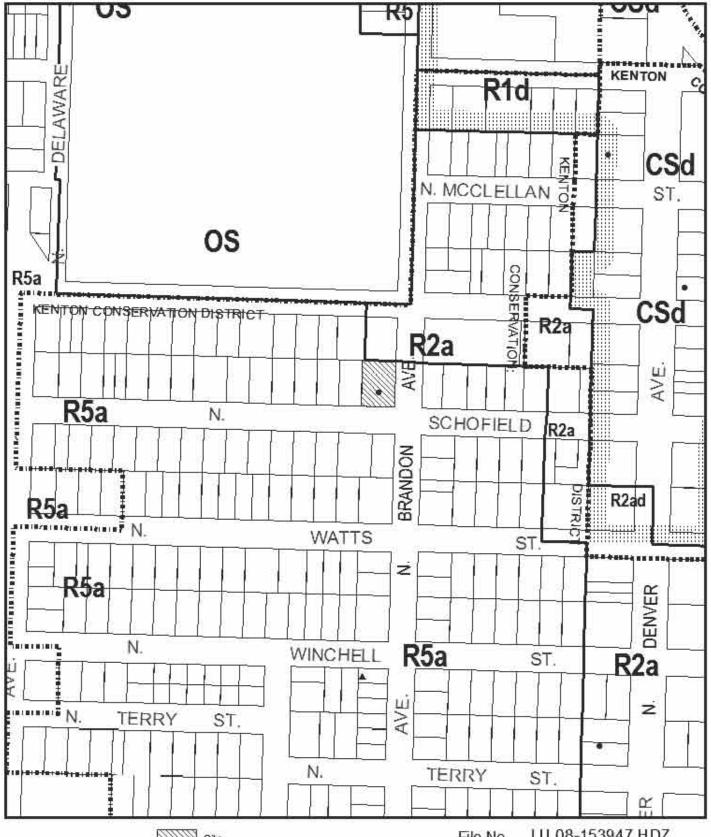
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Roof Plan (attached)
  - 3. South Elevation (attached)
  - 4. West Elevation (attached)
  - 5. North Elevation
  - 6. East Elevation
  - 7. View 1 (attached)
  - 8. View 2
  - 9. View 3
  - 10. Solar Array
  - 11. Solar Array w/ Racking System
  - 12. Racking System Layout
  - 13. Manufacturer Cutsheets
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Parks, Forestry Division
  - 2. Life Safety Section of the BDS
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Site Aerials

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



**ZONING** 



Historic Landmark



This site lies within the: KENTON CONSERVATION DISTRICT File No. LU 08-153947 HDZ

1/4 Section 2228

Scale 1 inch = 200 feet

State\_Id 1N1E09DB 7500

Exhibit B (Aug 13,2008)

